

1 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

2  
3 97-08-HO

4 IN THE MATTER OF:

5 JAMES D. GOELLER  
6 Certificate of Registration  
7 Number 4972

No. 97-0008-PHR

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND BOARD ORDER

8 DIRECTED TO: JAMES D. GOELLER  
9 6910 Mercer Springs Place  
10 Tucson, Arizona 85718

11 Pursuant to the foregoing Consent to Entry of Order, the evidence and records compiled and  
12 contained in the file for JAMES D. GOELLER and for good cause appearing, the Board on this 11th day  
13 of September, 1997 enters the following Findings of Fact, Conclusions of Law and Board Order in the  
14 Matter of Notice of Hearing Number 97-0008-PHR ("Notice").

15 **FINDINGS OF FACTS**

16 **I**

17 1. JAMES D. GOELLER is the holder of Certificate of Registration Number 4972 issued by  
18 the Arizona State Board of Pharmacy which permits the holder to practice pharmacy in the State of  
19 Arizona.

20 2. Paragraph one (1) on page two (2) of the Notice alleges that on or about the 19th day of  
21 December, 1996, JAMES D. GOELLER did verify a label for prescription number 1070606-00923 for  
22 Opium Solution which failed to communicate the prescriber's directions precisely, a violation of A.A.C.  
23 § R4-23-402(A)(7).

24 3. JAMES D. GOELLER neither admits nor denies the allegations contained in the Notice,  
25 including those in paragraph one (1) on page two (2) thereof, neither admits nor denies the Findings of  
26 Fact or Conclusions of Law contained herein and consents to entry of this Order solely for the purpose  
27 of settling this proceeding.

1           4.     On the 2<sup>ND</sup> day of SEPTEMBER, 1997, JAMES D. GOELLER did enter into a  
2 Consent to Entry of Order with the Arizona State Board of Pharmacy regarding the Notice.

3                               **CONCLUSIONS OF LAW**

4                                       **II**

5           1.     The Board concludes that it has jurisdiction in this Matter pursuant to A.R.S. §  
6 32-1927(A)(10) and A.A.C. § R4-32-1927(B)(2).

7           2.     The Board concludes that JAMES D. GOELLER did violate A.R.S. § 32-1927(A)(10), §  
8 32-1927(B)(2) and A.A.C. § R4-23-402(7).

9                               **ORDER**

10                                      **III**

11           The certificate of Registration Number 4972 issued to JAMES D. GOELLER is hereby placed on  
12 probation for one (1) year commencing ten (10) days from the date of this Order. The probation is  
13 subject to the following conditions:

14           1.     JAMES D. GOELLER shall pay a civil penalty of one hundred dollars (\$100.00) to the  
15 Board of Pharmacy within sixty (60) days of the date of this Order.

16           2.     JAMES D. GOELLER shall complete eight (8) hours of Continuing Education within one  
17 year of the date of this Order. Said hours shall consist of the two part series (4 hours each) titled  
18 Pharmacist-Patient Consultation Program or an alternative program approved by the Board and shall  
19 apply only to satisfy this Order and shall not be applied to Continuing Education requirements for  
20 subsequent license renewals.

21           3.     JAMES D. GOELLER shall pay all fees and complete all Continuing Education  
22 requirements throughout the term of probation to maintain Certificate of Registration Number 4972.

23           4.     JAMES D. GOELLER shall obey all federal and state laws and rules governing the practice  
24 of pharmacy.

25           5.     The Arizona State Board of Pharmacy shall terminate the probation upon completion of the  
26 condition outlined in paragraphs 1 and 2 above.

DATED this 12 day of September, 1997.

By Llyn A. Lloyd  
Llyn A. Lloyd  
Executive Director

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2 Assistant Attorney General  
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4 1275 West Washington  
5 Phoenix, Arizona 85007  
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